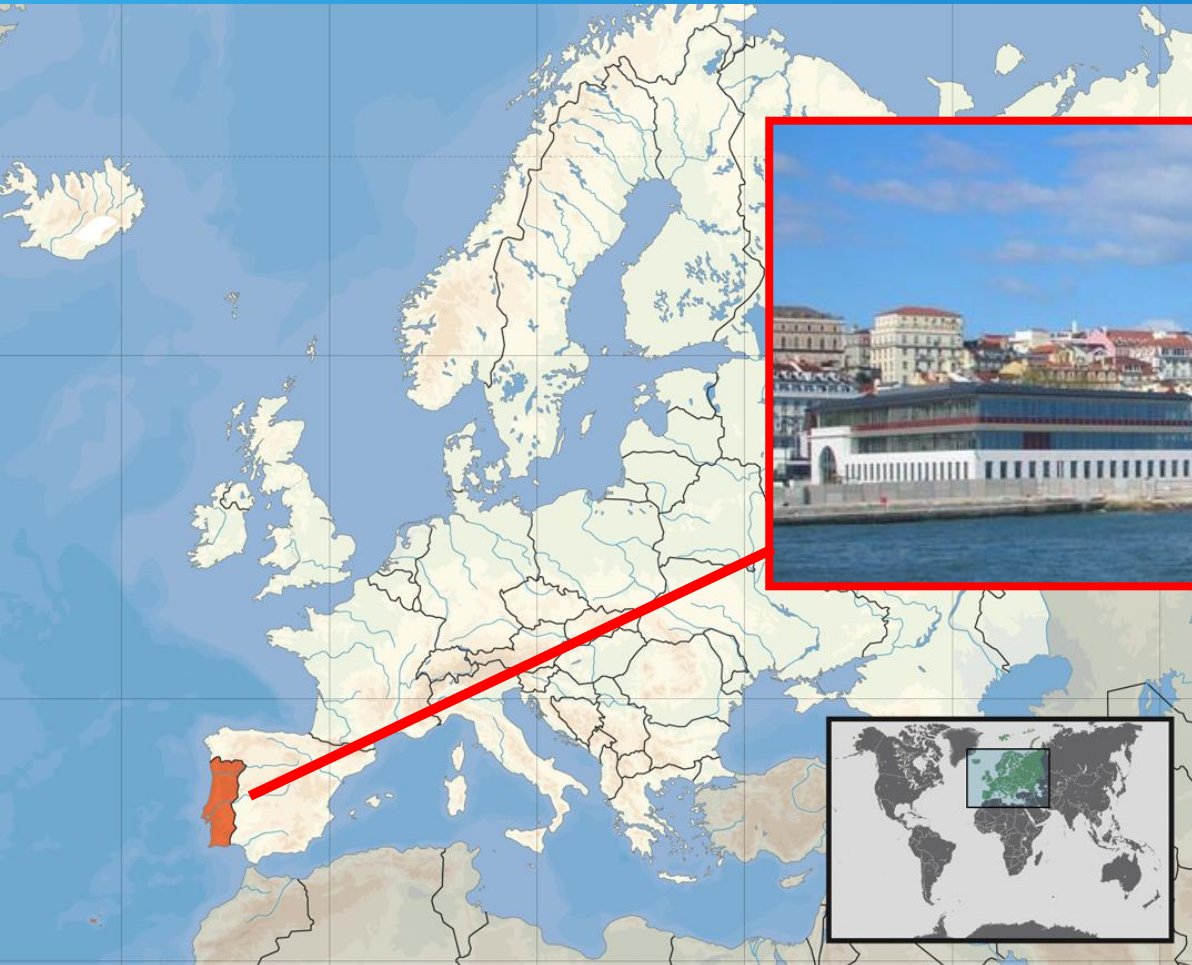
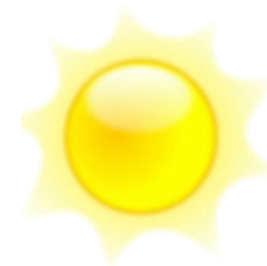


WELCOME TO EMSA



LISBON

18-20 May 2016



Today
Min 13°C
Max 21°C

COURSE INFORMATION



Agenda: Advanced Training on Ship Security

Lisbon 18-20 May 2016

Wednesday, 18 May 2016

Time	Agenda Item
09:00 – 09:30	Registration
09:30 – 09:45	Welcome address & Logistics
09:45 – 10:15	The European Maritime Safety Agency (Organisation, tasks and latest developments)
10:15 – 11:00	Fundamental requirements of the ISPS Code - Ship Security <ul style="list-style-type: none"> International and European Legislation
11:00 – 11:15	Coffee break
11:15 – 12:45	Fundamental requirements of the ISPS Code - Ship Security <ul style="list-style-type: none"> International and European Legislation (cont.)
12:45 – 14:00	Lunch break
14:00 – 15:30	Fundamental requirements of the ISPS Code - Ship Security <ul style="list-style-type: none"> Roles and Responsibilities (EMSA, DG MOVE A.4, IMO Contracting Governments, RSOs, PSC, DAOs, CSO, SSO, ...) Verification and Certification
15:30 – 15:45	Coffee break
15:45 – 16:30	Fundamental requirements of the ISPS Code - Ship Security <ul style="list-style-type: none"> Control Sanctions
16:30 – 17:00	Introduction to case study 1
17:00	End of the first day



Thursday, 19 May 2016

Time	Agenda Item
09:00 – 09:15	Registration
09:15 – 10:00	Case study 1
10:00 – 10:45	Feedback
10:45 – 11:00	Coffee break
11:00 – 11:45	Case study 1
11:45 – 12:45	Feedback
12:45 – 14:00	Lunch break
14:00 – 14:45	Case study 1
14:45 – 15:30	Feedback
15:30 – 15:45	Coffee break
15:45 – 16:30	Review and discussion of the case study 1
16:30	End of the second day

Friday, 20 May 2016

Time	Agenda Item
09:00 – 09:15	Registration
09:15 – 10:00	Case study 2
10:00 – 10:45	Feedback
10:45 – 11:00	Coffee break
11:00 – 11:45	Case study 2
11:45 – 12:45	Feedback
12:45 – 14:00	Lunch break
14:00 – 14:45	Case study 2
14:45 – 15:30	Feedback
15:30 – 15:45	Coffee break
15:45 – 16:15	Review and discussion of the case study 2
16:15 – 16:45	Conclusions
16:45 – 17:00	Evaluation & certificates
17:00	End of training

Maritime Security

Ship Security - ISPS Code

Rui Silva Dias
Senior Project Officer
Visits & inspections


Lisbon / 18-20 MAY 2016



- I. Fundamental requirements of the
ISPS code – Ship Security**
- II. Verification and Certification**
- III. Control**
- IV. Sanctions**

- **Understanding of the international rules**
- **Application of the EU legislation**
- **Understanding of the administration requirements**
- **Understanding of the oversight monitoring of RSOs**
- **Understanding of the ship security control and compliance measures**

I. Background behind the ISPS Code

A close-up photograph of two metal anchors resting on a wooden surface. The anchors are made of a dark, possibly bronze or steel, material and show signs of wear. The wooden surface has a visible grain and is a warm, brownish-tan color. The lighting is soft, creating gentle shadows.

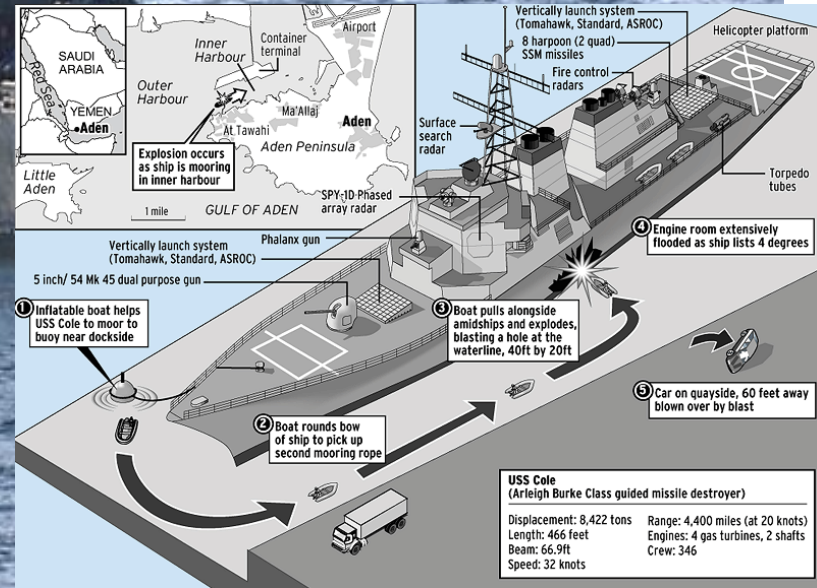
Why we need ISPS Code?



USS Cole
12 October
2000

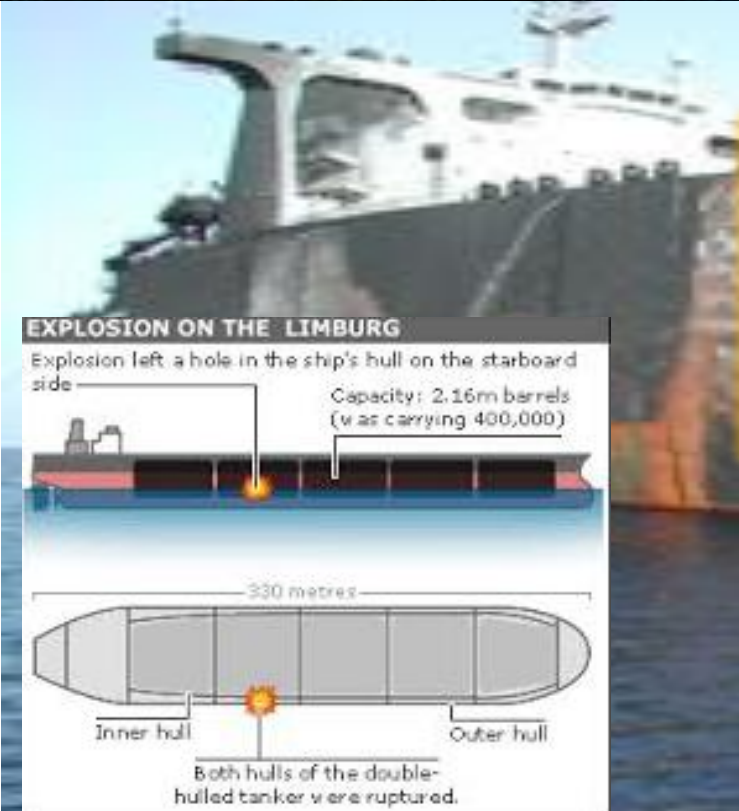
17 dead
(?) 39 injured

200-300kgs of explosive
used – ship's galley

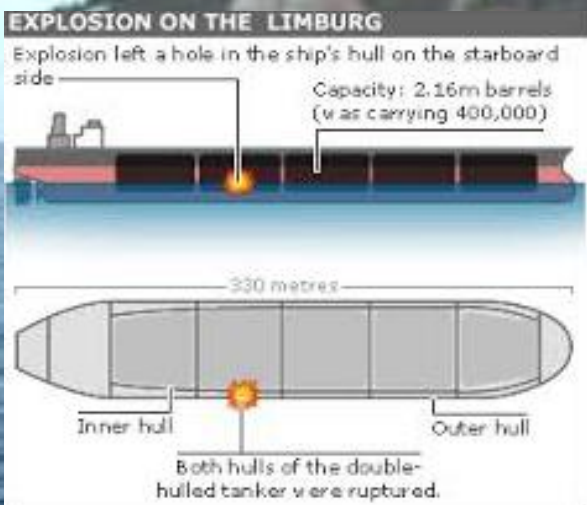


World Trade Centre 11 September 2001





**1 killed
12 injured**



Limburg – October 2002

An aerial photograph showing a train accident in Madrid. A train with red and white carriages is derailed and overturned. Debris is scattered around the wreckage. A large crowd of people is gathered around the site, and emergency responders are visible. The scene is chaotic and shows the aftermath of a major disaster.

Madrid – 11 March 2004

191 killed
Approx. 1800 injured

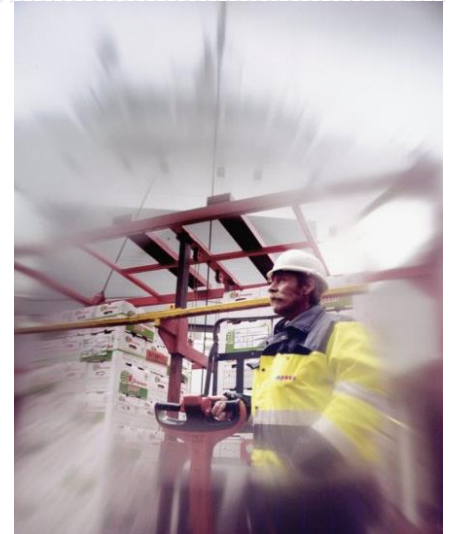
London – 7 July 2005

**52 killed
> 700 injured**



Terrorism – History of Events

- 1972: Munich, Black September seize Israeli athletes
- 1983: Beirut, US Embassy bombed
- 1993: NY, WTC truck bomber
- 1998: Nairobi and Dar es Salaam Embassies bombed
- 2001: WTC/ Pentagon
- 2002: Bali
- 2004: Madrid
- 2005: London
- 2005: Egypt
- **2005: Bali**
- 2005: Jordan
- 2007: Glasgow Airport
- 2008: Mumbai Bombings and attacks
- 2009: Attacks in Islamabad
- 2010: Moscow
- 2010: Yemen (Air container bombs)
- 2011: Norway (internal)
- 2012: Brindisi Italy
- 2012: Toulouse France bomb attacks
- **2015: Paris**
- **2016: Zaventem Airport - Brussels**



Maritime Terrorism/Piracy...

1961: Santa Maria – Hijacked

1974: Vory – Greek freighter hijacked

1985: Achille Lauro – Hijacked by gunmen

2000: USS Cole – Attacked by terrorist boat

2000: Filipina Princess – Bombing of a Ferry

2002: Limburg – Attacked by terrorist boat

2004: Super Ferry 14 – Sabotaged

2005: Seabourne Spirit, Somalia



**Nuclear or
Biologic
attack**

Terrorism

Stowaways

Sabotage

**Human
traffic**

....

Bomb

Smuggling

**Conflicts
between
passengers
and crew**

**Political
incidents**

**Illegal
immigration**

Theft

Piracy

Cyber attack

Vandalism

**INTENTIONAL
THREATS ?**





Access Control

Loading of cargo

Co-operation

**"NON-intentional
Threats" ?**

**Training and
Familiarisation**

**Disclosure of sensitive
information in public
spaces**

Communication

.....

2.6. **Threat.** The likelihood that an unlawful act will be committed against a particular target, based on a perpetrator's intent and capability.

IMO/ILO Code of Practice on Security in Ports (Tripartite Meeting of Experts on Security, Safety and Health in Ports)

Threat has been defined as the perpetrator's intent and capability

As long as *intentions* and *capabilities* exist ...
....security threats exist.

**ADDRESSING ONE OF THE ELEMENTS WILL REDUCE THE
RISK OF THREATS**

PIRACY

**PERSONAL/FINANCIAL GAIN
(INTENT)**

CHARACTERISTICS

A CALL FOR ATTENTION

**INFLICTING ONLY AS MUCH
HARM TO ACCOMPLISH HIS
PERSONAL GAIN**



TERRORISM

**POLITICAL GOALS
(INTENT)**

CHARACTERISTICS

**A CALL FOR ATTENTION TO
THEIR GOALS**

**INFLICTING HARM AND
DAMAGE AS POSSIBLE**



PIRACY

SMALL WOODEN CRAFTS

MOTHER SHIPS

ROPES

KNIVES

HIGH SPEED CRAFTS

ARMAMENTS/HAND GRENADES

ACCESS TO THE SHIP

HI-JACKING A SHIP

ORGANISED GROUPS

**LACK OF ONBOARD SECURITY &
PORT SECURITY**

TERRORISM

ACCESS TO THE SHIP

ACCESS TO THE PORT

FINANCIAL CAPABILITIES

HI-JACKING A SHIP

PURCHASING A SHIP

OPERATING A SHIP

WEAPONS/EXPLOSIVES

**LACK OF ONBOARD & PORT
SECURITY**

HIGHLY ORGANISED

ISPS Code

Implementation, operational and
procedural requirements



Article 100 – 107 – Dealing with piracy



- Article 100. Duty to cooperate in the repression of piracy
- Article 101. Definition of piracy
- Article 102. Piracy by a warship, government ship or government aircraft whose crew has mutinied
- Article 103. Definition of a pirate ship or aircraft
- Article 104. Retention or loss of the nationality of a pirate ship or aircraft
- Article 105. Seizure of a pirate ship or aircraft
- Article 106. Liability for seizure without adequate grounds
- Article 107. Ships and aircraft which are entitled to seize on account of piracy

Short Comings

- Based on private gain
- Ship versus ship – use of illegal acts or violence
- Legal limitation which does not cover terrorist attacks

Article 101 Definition of piracy

Piracy consists of any of the following acts:

- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
- (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Provides procedures and actions to be taken by a State following an attack

Does not prescribe any preventive action but provides / extends jurisdiction and legal clarity about defences.

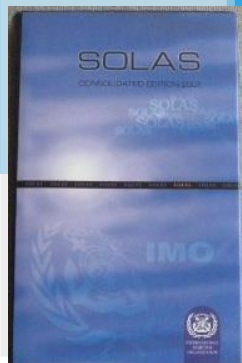
1. **US proposed an international security regime**
2. **International role by IMO** - 9/11 was the catalyst to address the matter
3. **SOLAS Convention with NEW ISPS Code. Why?**
4. **SOLAS Convention** relates to ships. What about the part ashore? Term “**port facility**” introduced – possible to extent of application within ports
5. IMO agreed new security regime in December 2002 – **Chapter XI-2** and the ISPS Code
6. Enter into force on **1 July 2004**



The **IMO** is the United Nations Agency involved with safety of shipping and protection of the marine environment and is the instrument for passing international legislation for the maintenance of standards.



The **Maritime Safety Committee** (MSC) is the highest technical body of the organisation. Delegates from all the Member States may attend. The main function of the MSC is to adopt amendments to conventions such as the Safety of Life At Sea Convention (SOLAS)

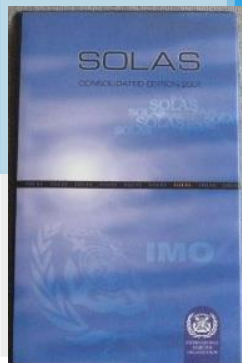


SOLAS Chapter XI-1

Additional measures

- Modifications to SOLAS Chapter V (AIS).
- Regulation XI-I/3 - Ship identification number to be permanently marked in a visible place.
- Regulation XI-1/5 - Continuous Synopsis Record.

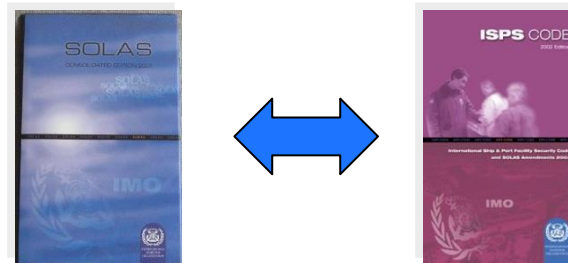




SOLAS Chapter XI-2

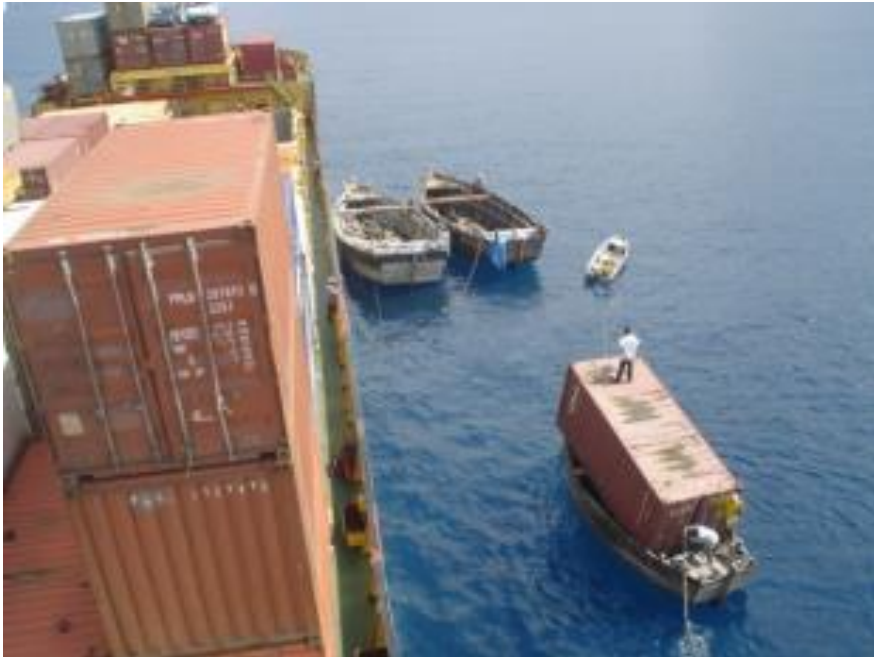
- **Regulation XI-2/2** enshrines the ISPS Code;
- **Regulation XI-2/3 security levels** and ensure the provision of security level information to ships entitled to fly their flag;
- **Regulation XI-2/4 and 5 Company** responsibilities;
- **Regulation XI-2/6** requires all ships to be provided with a Ship Security Alert System (**SSAS**);
- **Regulation XI-2/9 control** of ships;
- **Regulation XI-2/10** covers requirements for **port facilities**₂₆

- The ISPS Code is part of SOLAS



- When a Government accepts and ratifies an IMO Convention it agrees to make it part of its own national law and to enforce it just like any other law.
- The Contracting Governments are obliged to address **all** the objectives and functional requirements of SOLAS/XI-2 and of the ISPS Code.

Who has to comply with the ISPS Code?





ISPS

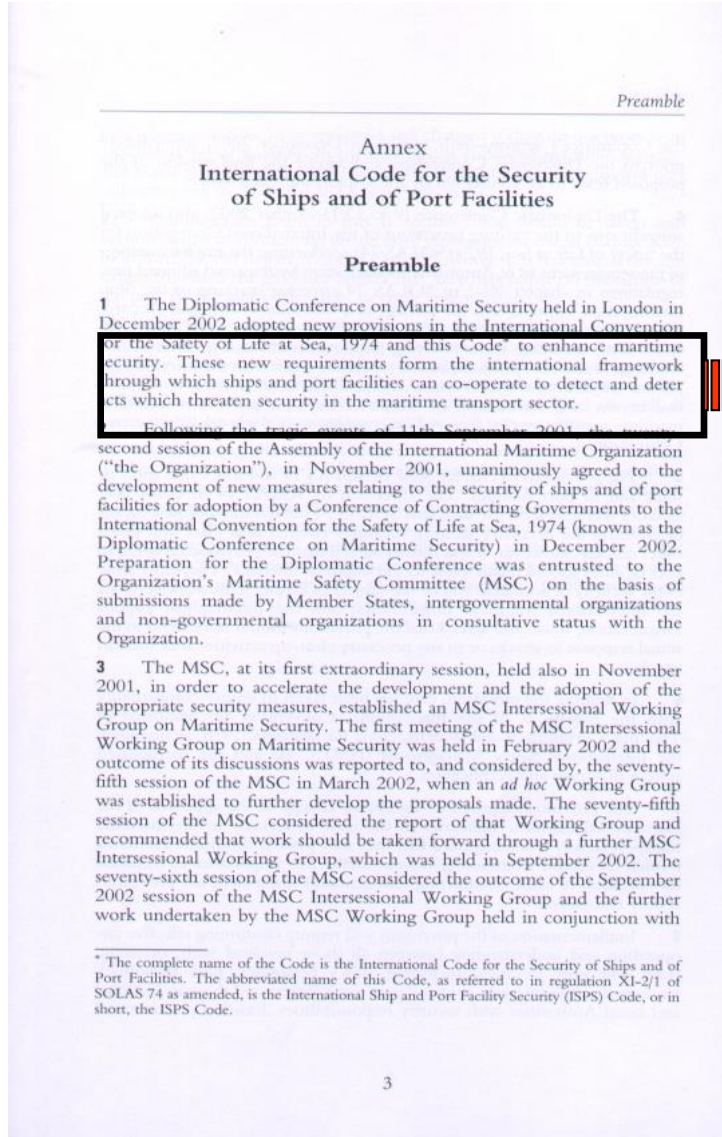
Application



A comprehensive set of measures to enhance the security of ships and port facilities

The ISPS Code applies to the following types of ships engaged on international voyages and the port facilities serving such ships:

- **passenger ships**, including high-speed passenger craft;
- **cargo ships**, including high-speed craft, of 500 gross tonnage and upwards; and
- **mobile offshore drilling units**.



**“...international framework
through which *ships and
port facilities* can *co-operate*
to detect and deter acts
which threaten security in
the maritime transport
sector.”**

What is addressed?

- The use of a ship **as a weapon**
- The use of a ship for transporting either persons or their means for intending **to cause a security incident**
- The use of a ship in lawful trade **for financing terrorist activities**

Preamble

Annex International Code for the Security of Ships and of Port Facilities

Preamble

1 The Diplomatic Conference on Maritime Security held in London in December 2002 adopted new provisions in the International Convention for the Safety of Life at Sea, 1974 and this Code* to enhance maritime security. These new requirements form the international framework through which ships and port facilities can co-operate to detect and deter acts which threaten security in the maritime transport sector.

Following the tragic events of 11th September 2001, the twenty-second session of the Assembly of the International Maritime Organization ("the Organization"), in November 2001, unanimously agreed to the development of new measures relating to the security of ships and of port facilities for adoption by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (known as the Diplomatic Conference on Maritime Security) in December 2002. Preparation for the Diplomatic Conference was entrusted to the Organization's Maritime Safety Committee (MSC) on the basis of submissions made by Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Organization.

3 The MSC, at its first extraordinary session, held also in November 2001, in order to accelerate the development and the adoption of the appropriate security measures, established an MSC Intersessional Working Group on Maritime Security. The first meeting of the MSC Intersessional Working Group on Maritime Security was held in February 2002 and the outcome of its discussions was reported to, and considered by, the seventy-fifth session of the MSC in March 2002, when an *ad hoc* Working Group was established to further develop the proposals made. The seventy-fifth session of the MSC considered the report of that Working Group and recommended that work should be taken forward through a further MSC Intersessional Working Group, which was held in September 2002. The seventy-sixth session of the MSC considered the outcome of the September 2002 session of the MSC Intersessional Working Group and the further work undertaken by the MSC Working Group held in conjunction with

* The complete name of the Code is the International Code for the Security of Ships and of Port Facilities. The abbreviated name of this Code, as referred to in regulation XI-2/1 of SOLAS 74 as amended, is the International Ship and Port Facility Security (ISPS) Code, or in short, the ISPS Code.



ISPS

Main Principles

- Applicable for ships international voyages & port facilities
- ISPS Code is **based on** reducing vulnerability in a **PREVENTIVE** manner and on a policy of deterrence
- Intended to help protect the ship and port facilities against any unlawful acts, whether the wilful planting of a bomb or the theft of a tool box – (THREATS - piracy, sabotage, smuggling, stowaways)
- **Based on Management Principles** – Risk Assessment – Plan – Implement -> PLAN -> DO -> CHECK -> ACT
- Managing security – **Continuous evaluation** and updates to ensure a cost-effective & response-effective system
- **Minimum International Standards for Maritime Security**



ISPS Code

the Committee's seventy-sixth session in December 2002, immediately prior to the Diplomatic Conference, and agreed the final version of the proposed texts to be considered by the Diplomatic Conference.

4 The Diplomatic Conference (9 to 13 December 2002) also adopted amendments to the existing provisions of the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74) accelerating the implementation of the requirement to fit Automatic Identification Systems and adopted new regulations in chapter XI-1 of SOLAS 74 covering marking of the Ship Identification Number and the carriage of a Continuous Synopsis Record. The Diplomatic Conference also adopted a number of Conference resolutions, including those covering implementation and revision of this Code, technical co-operation, and co-operative work with the International Labour Organization and World Customs Organization. It was recognized that review and amendment of certain of the new provisions regarding maritime security may be required on completion of the work of these two Organizations.

5 The provisions of chapter XI-2 of SOLAS 74 and this Code apply to ships and to port facilities. The extension of SOLAS 74 to cover port facilities was agreed on the basis that SOLAS 74 offered the speediest means of ensuring the necessary security measures entered into force and given effect quickly. However, it was further agreed that the provisions relating to port facilities should relate solely to the ship/port interface. The wider issue of the security of port areas will be the subject of further joint work between the International Maritime Organization and the International Labour Organization. It was also agreed that the provisions should not extend to the actual response to attacks or to any necessary clear-up activities after such an attack.

6 In drafting the provision, care has been taken to ensure compatibility with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, the International Safety Management (ISM) Code and the harmonized system of survey and certification.

7 The provisions represent a significant change in the approach of the international maritime industries to the issue of security in the maritime transport sector. It is recognized that they may place a significant additional burden on certain Contracting Governments. The importance of technical co-operation to assist Contracting Governments implement the provisions is fully recognized.

8 Implementation of the provisions will require continuing effective co-operation and understanding between all those involved with, or using, ships and port facilities, including ship's personnel, port personnel, passengers, cargo interests, ship and port management and those in National and Local Authorities with security responsibilities. Existing practices and

Preamble, parag 5 ...

“...it was also agreed that the provisions should not extend

to the actual **RESPONSE** to attacks or to any necessary clear-up activities **AFTER** such an attack.”



ISPS

Functional security requirements



For Ships

Ship Security Plans

Ship Security Officers

Company Security Officers

Certain on board equipment

Monitoring and Controlling Access

Monitoring the Activities of People & Cargo

Ensuring that Security Communications are Readily Available

For Ports

Port Facility Security Plan

Port Facility Security Officer

Certain equipment

Monitoring and Controlling Access

Monitoring the Activities of People & Cargo

Ensuring that Security Communications are Readily Available

What if Contracting Governments do not comply?

Penalties?



- IMO does not impose any penalties.
- IMO was established to adopt legislation.
- The responsibility for implementation lies with the Contracting Government

Control is Flag and Port States' responsibility!




EUROPEAN UNION

- EU MARSEC LEGISLATION -

1. **EC (DG MOVE A4) participates as observer in the IMO**
2. Commission tabled in May 2003 a Communication on enhancing maritime security
3. **Draft of EU Regulation - to deliver harmonised interpretation and implementation of the provisions of the Member States**
4. **Regulation 725/2004 can be considered as having direct effect**
5. Direct effect to SOLAS Chapter XI-2 and ISPS Code in Member States' National Laws.

REGULATION (EC) No 725/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 31 March 2004
on enhancing ship and port facility security
(Text with EEA relevance)

L 129/6  Official Journal of the European Union 29.4.2004

REGULATION (EC) No 725/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 31 March 2004

... of the Member States in
... and measures which might
... of the Treaty on Euro-
... described in recital 2
... appropriate measures in
... port policy establishing pos-
... tation, implementation and
... mination of the provisions
... Conference of the IMO on
... emerging powers should be
... ion to adopt detailed impl-

... the fundamental rights and
... rights in particular by the
... of the European Union.

... did not only for ships used in
... the port facilities which serve
... operating domestic services
... within the Community and their port facilities, in par-
... ticular passenger ships, on account of the number of
... human lives which such trade puts at risk.

... among the greatest threats to the ideals of democracy
... and freedom and to the values of peace, which are the
... very essence of the European Union.

(2) The security of European Community shipping and of
citizens using it and of the environment in the face of
threats of intentional unlawful acts such as acts of
terrorism, acts of piracy or similar, should be ensured at
all times.

(3) In connection with the transport of goods containing
especially dangerous substances, such as chemical and
radioactive substances, the potential consequences of the
threats posed by intentional unlawful acts for Union citi-
zens and the environment are very serious.

(4) On 12 December 2002 the Diplomatic Conference of
the International Maritime Organisation (IMO) adopted
amendments to the 1974 International Convention for
the Safety of Life at Sea (SOLAS Convention) and an
International Ship and Port Facility Security Code (ISPS
Code). These instruments are intended to enhance the
security of ships used in international trade and asso-
ciated port facilities; they comprise mandatory provi-
sions, the scope of some of which in the Community
should be clarified, and recommendations, some of
which should be made mandatory within the Com-
munity.

(5) (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) (177) (178) (179) (180) (181) (182) (183) (184) 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EU MARSEC Legislation Regulation (EC) No. 725/2004



*"Intentional unlawful acts and especially terrorism are among the greatest **threats** to the ideals of democracy and freedom and to the values of peace, which are the very essence of the European Union"*

1st Recital Regulation (EC) No 725/2004

*"The security of the European Community shipping and of citizens using it and of the environment in the face of **threats** of intentional unlawful acts such as acts of **terrorism**, acts of **piracy** or similar, should be ensured at all times"*

2nd Recital Regulation (EC) No 725/2004

EU MARSEC Legislation Regulation (EC) No. 725/2004

- In addition, extends SOLAS/ISPS to Member States'

domestic shipping;

- Also:

- certain elements of the guidance on ISPS Code mandatory;
 - Requires that all ships submit security information prior to entry into an EU port;
 - Requires the Commission to conduct inspections in the Member States;
- EMSA has been tasked to provide technical assistance to the Commission with its inspections

COMMISSION IMPLEMENTING REGULATION (EU) 2016/462

of 30 March 2016

amending Regulation (EC) No 324/2008 laying down revised procedures for conducting Commission inspections in the field of maritime security

(Text with EEA relevance)

Having regard to Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing port and port facility security (1), and in particular Article 9(4) thereof,	(5) Commission inspections should be carried out according to a <u>set procedure, including a standard methodology</u> .
Having regard to Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (2), and in particular Article 13(2) and (3) thereof,	(6) Sensitive information relating to inspections should be treated as classified information.
Whereas:	(7) Commission Regulation (EC) No 884/2005 of 10 June 2005 laying down procedures for conducting Commission inspections in the field of maritime security (3) should therefore be repealed.
(1) In order to monitor the application by Member States of Regulation (EC) No 725/2004 the Commission should conduct inspections starting six months after the entry into force of that Regulation. The organisation of inspections under the supervision of the Commission is necessary to verify the effectiveness of national quality control systems and maritime security measures procedures and structures.	(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee instituted by Article 11(1) of Regulation (EC) No 725/2004.
(2) In accordance with Article 13(3) of Directive 2005/65/EC, the Commission should monitor the implementation by Member States of the said Directive jointly with the inspections provided for in Regulation (EC) No 725/2004.	HAS ADOPTED THIS REGULATION:
(3) The European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council (4) should provide the Commission with technical assistance in the performance of the latter's inspection tasks in respect of ships, relevant companies and Recognised Security Organisations.	CHAPTER I SUBJECT MATTER AND DEFINITIONS Article 1 Subject matter This Regulation lays down procedures for conducting Commission inspections to <u>monitor the application of Regulation (EC) No 725/2004</u> at the level of each Member State and of individual port facilities and relevant companies. This Regulation also lays down procedures for the monitoring by the Commission of the implementation of Directive 2005/65/EC jointly with the inspections at the level of Member States and port facilities in respect of ports as defined in Article 2(11) of this Regulation.
(1) OJ L 129, 29.4.2004, p. 6. (2) OJ L 310, 25.11.2005, p. 28. (3) OJ L 208, 5.8.2005, p. 1. Legislation as last amended by Regulation (EC) No 2038/2006 (OJ L 384, 30.12.2006, p. 1).	The inspections shall be conducted in a transparent, effective, harmonised and consistent manner. (4) OJ L 148, 11.6.2005, p. 25.



EC MARSEC Legislation Regulation (EC) No. 725/2004



Article 3

Scope

3(1) International Shipping **1 July 2004**

3(2) Domestic shipping **1 July 2005**

Chap.XI-2 of SOLAS and Part A of ISPS Code to Class A passenger ships (Art.4 of Council Directive 98/18/EC) including port facilities serving Class A passenger ships)

3(3) Extent of application **1 July 2007**

(other domestic shipping, their companies and the port facilities serving them)

- **Mandatory security risk assessment**
- **Periodic review** - no more than **5 years!** (... by 1 July 2012 ... 1 July 2017...)

3(5) Paragraphs of part B - Mandatory



EU Legislation

Regulation (EC) No. 725/2004



Article 3(5) *[Part B mandatory]*

- 1.12 (revision of ships security plans)
- 1.16 (port facility security assessment)
- 4.1 (protection of the confidentiality of security plans and assessments)
- 4.4 (recognised security organisations)
- 4.5 (minimum competencies of recognised security organisations)
- 4.8 (setting security levels)
- 4.14, 4.15, 4.16 (contact points and information on port facility security plans)
- 4.18 (identification documents)
- 4.24 (ships' application of security measures recommended by the State in whose territorial waters they are sailing)
- 4.28 (manning level)
- 4.41 (communication of information when entry into port is denied or the ship is expelled from port)
- 4.45 (ships from a State which is not party to the Convention)
- 6.1 (company's' obligation to provide master with information on ship's operators)
- 8.3 to 8.10 (minimum standards for the ship security assessment)
- 9.2 (minimum standards for the ship security plan)
- 9.4 (independence of recognised security organisations)
- 13.6 and 13.7 (frequency of security drills and exercises for ship's crews and for CSO and SSO's)
- 15.3 to 15.4 (minimum standards for the port facility security assessment)
- 16.3 to 16.8 (minimum standards for the port facility security plan)
- 18.5 and 18.6 (frequency of security drills and exercises in PF's and for PFSO's)

CONTRACTING GOVERNMENTS

- RESPONSIBILITIES -

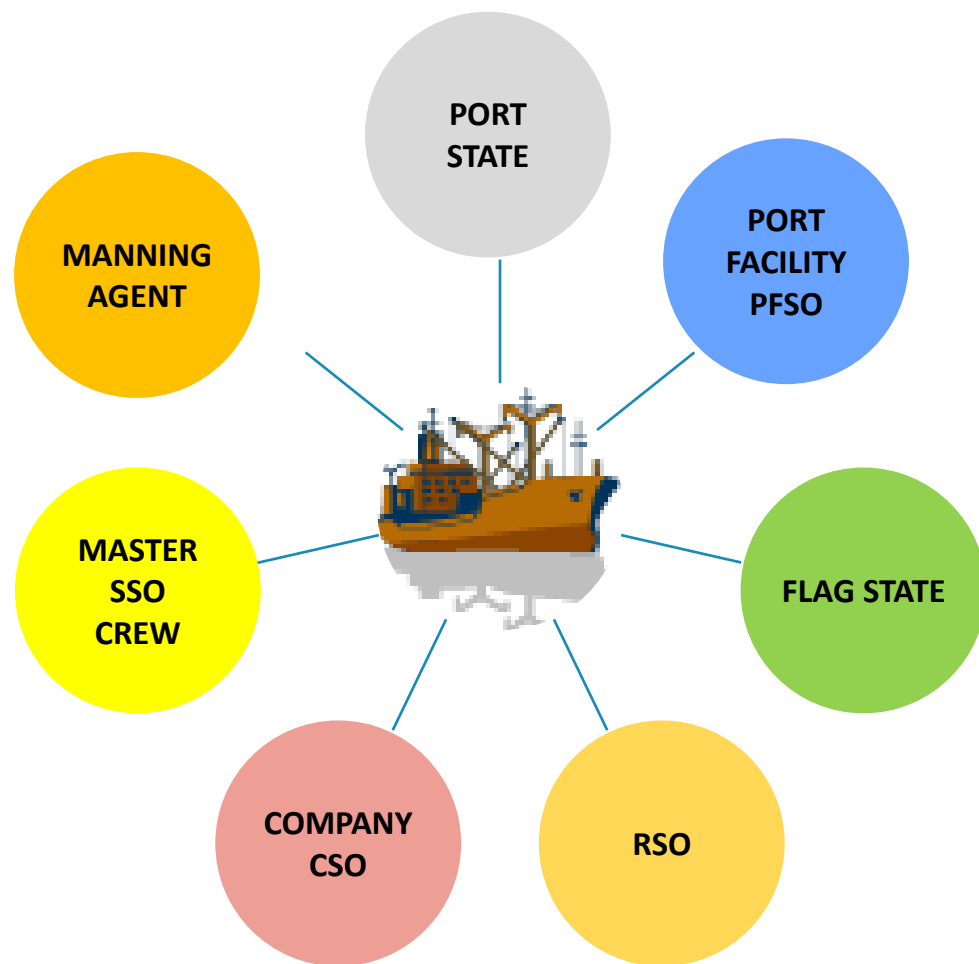
CONTRACTING GOVERNMENTS

SHIP SECURITY REQUIREMENTS

- ADMINISTRATIONS
- COMPANIES
- PORT FACILITIES
- SHIPS



CONTRACTING GOVERNMENTS SHIP SECURITY REQUIREMENTS





- Designation of national authorities responsible for implementation of maritime security;
- Deciding national requirements for maritime security;
- Setting, communication of SL and provide guidance for protection from security incidents;
- Designation of authorities receiving SSAS alerts;
- Approval of SSP;
- **Verification-Certification of ships;**





- Approval of PFSA and PFSP;
- Certification for port facilities;
- Monitoring of Recognised Security Organisation (RSO), when delegating maritime security tasks;
- Exercise of control.

Note: All 148 Parties to SOLAS must ensure their ships and port facilities comply with the requirements



Oversee implementation by industry and other bodies appointed to carry out tasks on their behalf:

- Test the effectiveness of SSPs (ISPS Code A/4.4)

What have you done as Administration?

Carry out checks to guarantee the completeness and efficiency of verifications – flag State control:

- **Must be done** even if verification and certification is delegated to RSOs (ISPS Code A/19.1.3)
- Includes monitoring and verification of RSOs

Have you, as administration, delegate security tasks to RSOs?



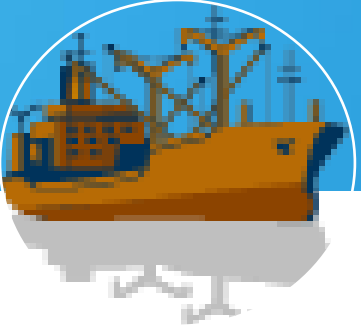
If yes, how do you oversee the work of the RSOs?

- **Appoint Company Security Officer (CSO)**



- **Provide to their ships all means necessary for implementation of security measures**
- **Make available to Master information regarding:**
 - Who is responsible for appointing the crew
 - Who is responsible for the employment of the ship
 - Information regarding the parties of the charter party
- **Appoint Ship Security Officer (SSO)**
- **Ensure their ships are certified in accordance with ISPS requirements**





SHIP SECURITY

- Ship Security Assessment;
- Ship Security Plan;
- Ship Security Officer;
- Ship Security Alert System;
- Verification and Certification:
 - Initial
 - Intermediate
 - Renewal
 - Additional
- RSOs





SHIP SECURITY ASSESSMENT (SSA)

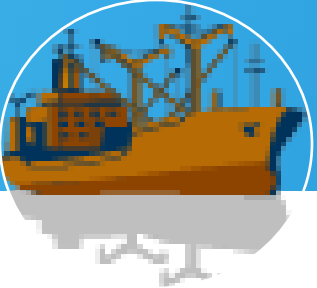
[Section A/8.4]

The SSA shall include an **on-scene security survey** and, at least, the following elements:

- identification of **existing security measures**, procedures and operations;
- identification and evaluation of **key shipboard operations** that it is important to protect;
- identification of **possible threats** to the key shipboard operations and the **likelihood** of their occurrence, in order **to establish and prioritise security measures**; and
- identification of **weaknesses**, including human factors, in the infrastructure, policies and procedures.

[Section A/8.5]

The SSA shall be documented, reviewed, accepted and retained by the Company.



Ship Security Plan (SSP)



SHIP SECURITY PLAN APPROVAL

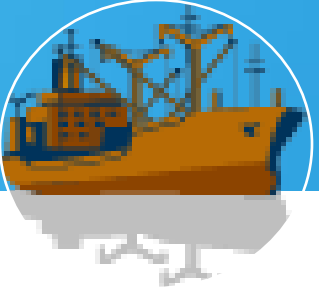
Who is doing the approval?



National Administration Offices

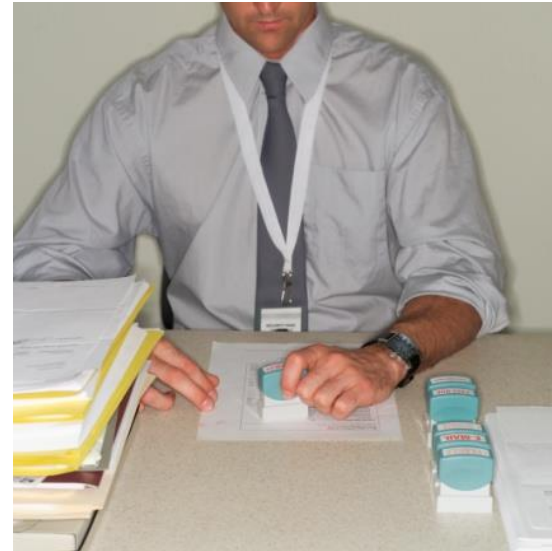


RSO

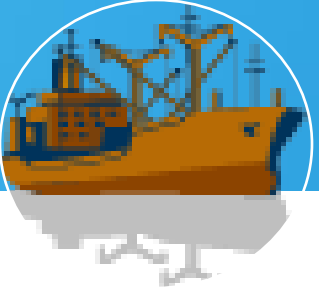


Ship Security Plan (SSP)

What is relevant?



- **Approved SSP** and relevant **amendments** on board (**A/9.1 & A/9.5.1**)
- To ensure appropriate measures against **unauthorised disclosure** of the SSA & SSP (**B/4.1**)
- To determine which **changes** to an approved SSP shall not be implemented without prior approval (**A/9.5**)
- **Test** approved SSP (**A/4.4**)



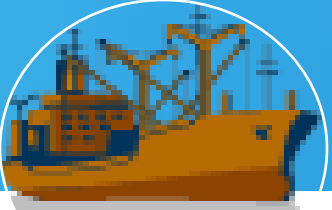
Ship Security Plan (SSP)



[Section A/9.1]

The **plan** shall address, at least, the following:

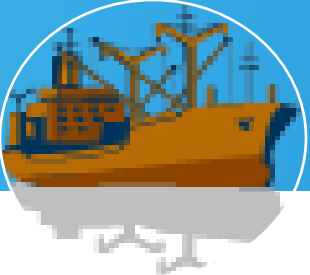
1. Measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorised from being taken on board the ship;
2. Identification of the restricted areas and measures for the prevention of unauthorised access to them;
3. Measures for the prevention of unauthorised access to the ship;
4. Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship/port interface;



Ship Security Plan (SSP)



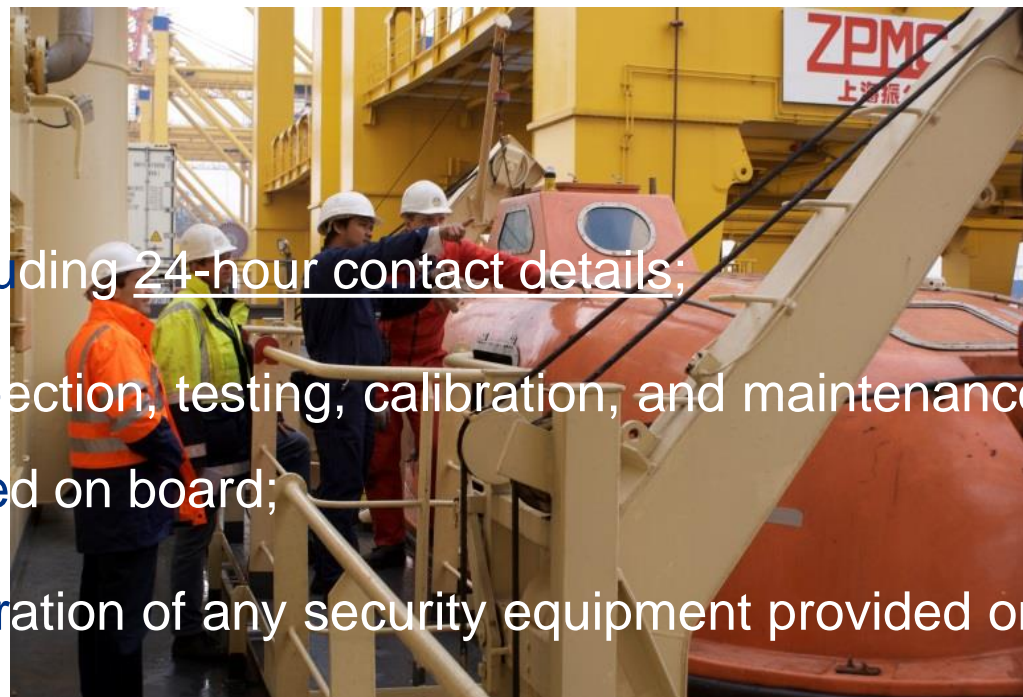
5. Procedures for **responding** to any **security instructions** Contracting Governments may give at security level 3;
6. Procedures for **evacuation** in case of security threats or breaches of security;
7. **Duties** of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects;
8. Procedures for **auditing** the security activities;
9. Procedures for **training**, **drills** and **exercises** associated with the plan;
10. Procedures for **interfacing** with **port facility** security activities;
11. Procedures for the periodic **review** of the plan and for updating;
12. Procedures for **reporting security incidents**;



Ship Security Plan (SSP)



13. Identification of the **SSO**;
14. Identification of the **CSO**, including 24-hour contact details;
15. Procedures to ensure the inspection, testing, calibration, and maintenance of any security equipment provided on board;
16. **Frequency** for testing or calibration of any security equipment provided on board;
17. Identification of the **locations** where the **SSAS activation points** are provided; and
18. **Procedures**, instructions and guidance on the use of the SSAS, including the testing, activation, deactivation and resetting and to limit false alerts.



Delegation of Tasks



ENSURE...

The assignment of
such authority
should ensure
uniformity!

CONCEPT

DELEGATION

AUTHORISATION

CRITERIA?

- RSO means according to B/4.5 (*EU mandatory*)
- Recognition by the EU (ships)
- No specific EU recognition (port facilities)
- Contracting Government (*EU MS*)
- Agreement ?

DELEGATING ...

... SHIFTING RESPONSIBILITIES ...

... DUTIES! ...

The Administration and/or Designated Authority
maintain the
ultimate authority
continue or revoke delegations to RSOs

**RECONISED SECURITY ORGANISATIONS
ACTING ON BEHALF OF THE ADMINISTRATION AND/OR
DESIGNATED AUTHORITY OF A
CONTRACTING GOVERNMENT ...**

*Under the provisions of SOLAS regulation I/6 and, inter alia, SOLAS regulation XI-2/1.16 (paragraph B/4.6 ISPS Code) Special measures to enhance maritime security,” **Recognized Security Organisation (RSOs)** may be delegated specific functions on behalf of the Administration and/or the Designated Authority of the Contracting Government.*

RECONISED SECURITY ORGANISATIONS

[SOLAS regulation XI-2/1.16]

WITH:

Expertise in security

Knowledge of ship

Knowledge port
operations



AUTHORISED TO:

Assessment

Verification

Approval and Review

Certification

A/4.3 – Responsibilities of Contracting Governments

- Delegation of **certain** of their **security-related duties** with **exceptions** [*Exceptions ...*]

B/4.3 – Responsibilities of Contracting Governments

- Authorisation to undertake certain security-related activities, including:
 - **approval** of SSP's, or amendments thereto, on behalf of the Administration;
 - **verification** and **certification**; and
 - **conducting PFSA's**.

A/8.3 – Ship Security assessment

- Subject to the provisions of section 9.2.1, may **carry out** the SSA of a specific ship.

A/9.1.1 – Ship Security Plan

- Subject to the provisions of section 9.2.1, a **recognised security organisation** may **prepare** the SSP for a specific ship.

A/9.2 & A/9.2.1 – Ship Security Plan

- **Entrust** the **review** and **approval** of SSP's, or of amendments to a previously approved plan.
- In such cases, shall not have been involved in either the preparation of the SSA or of the SSP, or of the amendments, under review.

A/11.6 – Company Security Officer

- Arranging for the audits - initial and subsequent **verifications**

A/19.1.2 – Verification and Certification

- Administration may **entrust** the **verifications**.

A/19.2.2 – Issue or endorsement of Certificate

- Can be **issued** or **endorsed**

A/19.3.4 – Duration and validity of Certificate

- If a renewal verification has been completed and a new Certificate cannot be issued or placed on board the ship before the expiry date of the existing Certificate, the Administration or **RSO** acting on behalf of the Administration **may endorse** the **existing** Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

Interim certification

A/19.4.2

An Interim ISSC **shall only be issued** when the Administration or **recognised security organisation**, on behalf of the Administration, has verified that...

A/19.4.3

An Interim ISSC may be issued by the Administration or by a **recognised security organisation authorized** to act on its behalf

A/19.4.5

No Contracting Government shall cause a subsequent, consecutive Interim ISSC Certificate to be issued to a ship if, **in the** judgement **of the Administration** or the **recognised security organisation**, one of the purposes of the ship or a Company in requesting such certificate is to avoid full compliance with chapter XI-2 and this Part of the Code beyond the period of the initial Interim Certificate as specified in section 19.4.4

Responsibilities of Contracting Governments & Annex III, Regulation (EC) No.725/2004

B/4.4

RSO may also **advise or provide assistance** to Companies or port facilities on security matters, including ship security assessments, ship security plans, port facility security assessments and port facility security plans.

This can include completion of a SSA or SSP or PFSA or PFSP.

If an RSO has done so in respect of a SSA or SSP, that RSO should not be authorised to approve that SSP.

B/4.5

When authorising an RSO, Contracting Governments should give consideration to the **COMPETENCY** of such an organisation. An **RSO should be able to demonstrate... [EU Mandatory]**

Delegation of tasks

Criteria

Competencies...

- **Security expertise;**
- **Knowledge** of ship and port operations, ship design & construction;
- **Capability** to assess the likely security risks;
- **Maintain** and improve the expertise of their personnel;
- **Monitor** the continuing trustworthiness of their personnel;
- **Measures** to avoid unauthorised disclosure of, or access to, security-sensitive material;
- **Knowledge** of relevant national and international legislation;
- **Knowledge** of current security threats and patterns;
- **Knowledge** of recognition and detection of weapons, dangerous substances and devices;
- **Knowledge** of recognition, on a non-discriminatory basis, of characteristics and behavioural patterns of persons who are likely to threaten security;
- **Knowledge** of techniques used to circumvent security measures; and
- **Knowledge** of security and surveillance equipment and systems and their operational limitations.

Ship Security Plan & Annex III, Regulation (EC) No.725/2004

B/9.4

If an Administration uses a **recognised security organisation** (RSO) to review or approve the SSP, that **RSO should not be associated** with any other RSO that prepared, or assisted in the preparation of, the plan. *[EU Mandatory]*

WHAT AN RSO **CANNOT** DO...

- Set security level
- Approve the PFSA and amendments
- Determine the port facilities which have a PFSO
- Approve PFSP
- Exercise control and compliance measures pursuant to Regulation XI-2/9
- Establish requirements for Declaration of Security
- Review, or approve SSP, or its amendments, where has participated in the preparation of the SSA, or plan, or of the amendments under review

[ISPS Code A/4.3, A/8.3, A/9.1.1, A/15.2, A/16.1.1, B/1.7, B/1.16, B/4.3]

As Administration ...what to take into account?

- Lay down **criteria** on which to base appointment;
- Have a formal written agreement;
- **Verify** applicants **meet the criteria before** appointment;
- **Verify** RSOs continue to meet the criteria for their appointment ;
- **Specify** any **national requirements** or guidance (e.g. security threats) to be taken into account (SSAs, SSPs, PFSA, ...);
- **Verify** the quality of RSOs' work - flag State inspections / verifications of ships;

As Administration ... what to take into account?

- **Specify** frequency and scope of additional verifications;
- **Fully** guarantee the **completeness** and **efficiency** of the verification (A/19.1.3);
- **Ensure** has adequate resources in terms of technical, managerial and operational capabilities (size, structure, experience, capability,...);
- **Specify** instructions detailing actions to be followed in the event that a ship is found not in compliance;
- **Provide** RSO with ALL instruments of national law; and
- Records that can **provide** the Administration.

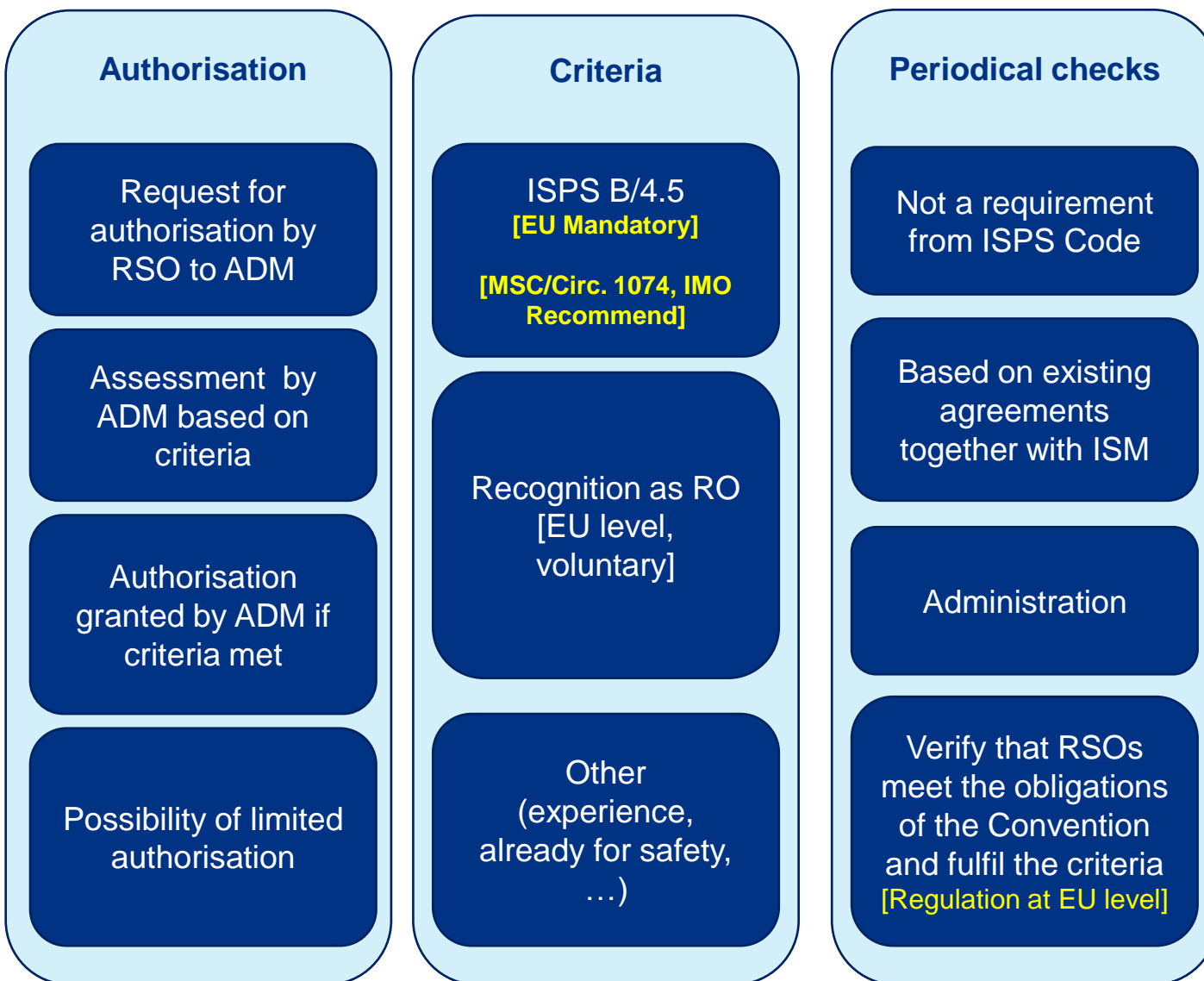
For the RSO ...

- **Ensure** has **adequate resources** in terms of technical, managerial and operational capabilities (size, structure, experience, capability,...);
- **Adequate geographical coverage**;
- Procedures for **communication**;
- Procedures for **reporting**;
- **Additional** ship and port facility **inspections and audits** by the Administration;
- Evaluation/acceptance of the certification of the **RSO's quality system** by an independent body of auditors; and
- **Monitor** & verify the activities related to security delegated to the RSO as appropriate

For the RSO ...

- **Update procedures** on regular basis and to inform the Administration of the relevant amendments to the PR's;
- Allow Administration participation in the development of the procedures;
- Governed by the **principles of ethical behavior**;
- The RSO may develop, implement & maintain quality system based on appropriate parts of internationally recognized quality standards (>ISO 9000-2000 series);
- Systematic **training and qualification regime** for its professional personnel engaged in the maritime security;
- Procedures in place to **avoid unauthorised disclosure** of, or access to, security sensitive material.

Recognized Security Organisations - Process



WORKING RELATIONSHIP

- Written agreement ?
- Liability provisions ?
- Provisions for audit by the Administration ?
- Provisions for attending on board audits/verifications ?
- Reporting of tasks – verification audits ?
- Meetings?
- Communication ?



VERIFICATION AND CERTIFICATION



Who is doing?



National Administration



RSO

Appendix to Part A
Appendix 1

Form of the International Ship Security Certificate
INTERNATIONAL SHIP SECURITY CERTIFICATE

(Officer's name) _____ (State) _____

Certificate Number _____

Issued under the provisions of the
INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES
(ISPS CODE)

Under the authority of the Government of _____ (Name of State)

By _____ (person(s) or organization authorized)

Name of ship: _____

Distinctive number or letters: _____

Port of registry: _____

Type of ship: _____

Gross tonnage: _____

IMO Number: _____

Name and address of the Company: _____

★ Company identifier number: _____ ★

THIS IS TO CERTIFY:

1. that the security system and any associated security equipment of the ship has been verified in accordance with section 15.1 of part A of the ISPS Code;
2. that the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code;
3. that the ship is provided with an approved ship security plan.

Date of initial / renewal verification on which this Certificate is based _____

This Certificate is valid until _____

subject to verifications in accordance with section 15.1.1 of part A of the ISPS Code.

Issued at _____ (place of issue)

Date of issue _____

CERTIFIED

International Maritime Security Administration (IMSA)



Verifications

1. **Specify** the period of validity (max. 5 years) for ISSCs (A/19.3.1)
 2. **Specify**, but not exceeding 5 years, a renewal verification interval (A/19.1.1.2)
 3. Carry out:
 - Initial** verifications to ensure full compliance with the security requirements and SSPs (A/19.1.1.1)
 - Renewal** verifications - full compliance (A/19.1.1.2)
 - Intermediate** verifications - it remains satisfactory (A/19.1.1.3)
 - Additional** verifications (A/19.1.1.4)
- Or delegate these tasks to RSOs (A/19.1.2 & 19.2.2)



Duration and validity of Certificate

Extending the validity of individual ISSCs. In which situations?

- Up to 5 years if ISSC originally for less (A/19.3.3)
- If renewal verification carried out but new ISSC cannot be issued or placed on board before expiry of the existing certificate (A/19.3.4)
- To allow a ship to reach port if ISSC expires when at sea (A/19.3.5)
- Extend for grace period of to one month where ship engaged on short voyages (A/19.3.6)



When does an ISSC cease to be valid?

- Relevant verifications are not completed within the periods specified (A/19.3.8.1);
- Certificate is not endorsed in accordance with section 19.1.1.3 and 19.3.7.1, if applicable (A/19.3.8.2);
- When a Company assumes the responsibility for the operation of a ship not previously operated by that Company; and (A/19.3.8.3);
- **Upon transfer of the ship to the flag of another State**

Form of the International Ship
Security Certificate

Form of the International Ship Security Certificate

INTERNATIONAL SHIP SECURITY CERTIFICATE

(Official seal)

(State)

Certificate Number

Issued under the provisions of the

INTERNATIONAL CODE FOR THE SECURITY OF SHIPS AND OF PORT FACILITIES

(ISPS CODE)

Under the authority of the Government of

(name of State)

by

(person(s) or organisation authorised)

Name of ship:

Distinctive number or letters:

Port of registry:

Type of ship:

Gross tonnage:

IMO Number:

Name and address of the Company:

►⁽¹⁾Company identification number:◀

THIS IS TO CERTIFY:

1 that the security system and any associated security equipment of the ship has been verified in accordance with section 19.1 of part A of the ISPS Code,

2 that the verification showed that the security system and any associated security equipment of the ship is in all respects satisfactory and that the ship complies with the applicable requirements of chapter XI-2 of the Convention and part A of the ISPS Code,

3 that the ship is provided with an approved ship security plan.

Date of initial / renewal verification on which this Certificate is based

This Certificate is valid until

subject to verifications in accordance with section 19.1.1 of part A of the ISPS Code

Issued at

(place of issue of the Certificate)

Date of issue

.....

(signature of the duly authorised official issuing the Certificate)

.....

(Seal or stamp of issuing authority, as appropriate)



When may an Interim ISSC be issued?

- Ship without certificate, delivery or **prior to enter in its service** (A/19.4.1);
- **Transfer** of a ship from the **flag** of a Contracting Government to a flag of **another Contracting Government** (A/19.4.2);
- **Transfer** of a ship to the **flag** of a Contracting Government from a State which is **not a Contracting Government** (A/19.4.3)
- **Company** assuming the responsibility for the operation of a ship **not previously operated** by that Company (A/19.4.4);



Conditions prior Interim ISSC to be issued?

- Administration or RSO has **verified** (A/19.4.2):
 - SSA is completed;
 - Copy of SSP is on board and is being implemented
 - Ship provided with SSAS;
 - The CSO has ensured that:
 - Review of SSP;
 - SSP submitted for approval;
 - SSP is being implemented on board;
 - Drills, exercises, internal audits
- Master, SSO, other ship's personnel with specific security duties are familiar with their duties and responsibilities



(A/19.4.5)

*“ No Contracting Government shall cause a subsequent, consecutive Interim ISSC to be issue to a ship if, in the **judgement** of the Administration or the recognised security organisation (...)*”

PORT
STATE

FLAG STATE

III. CONTROL MEASURES



PORT
STATE

FLAG STATE

CONTROL MEASURES



- **PORT FACILITIES**
- **FLAG SHIPS (FSI)**
- **FOREIGN FLAG SHIPS (PSC-DAO)**
 - In port
 - Intending to enter the port

“States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the maritime environment.”

IMO Resolution A.973(24)

CONTROL AND COMPLIANCE MEASURES SOLAS regulation XI-2/9

- Control of ships in port



- Control of ships intending to enter the port



SOLAS regulation XI-2/9 CONTROL AND COMPLIANCE MEASURES

1. Control of ships already in port;
2. Control of ships intending to enter a port of another CG

Regulation (EC) No. 725/2004

Article 8 Security checks in Member State ports

Certificate verification as defined in paragraph 1.1 of regulation 9 (SOLAS Chap.XI-2/) **shall be carried out** either by the **competent authority for maritime security** or by inspectors defined in Art.2(5) of Directive 95/21/EC - **PSCOs**.

[Additional provisions to both [Recital (13), Reg.725/2004]

CONTROL MEASURES – FOREIGN GOING SHIPS

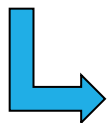


DAO

What happen, when an officer has clear grounds for believing that a ship is not in compliance with SOLAS and the ISPS Code?

Clear Grounds (ISPS Code, B/4.32), ...

means **evidence** or **reliable information** that the security system and any associated security equipment of the ship does not correspond with the requirements of SOLAS chapter XI-2 or part A of the ISPS Code (...)



If clear grounds (ISPS Code B/4.33)...



...control measures: additional inspections or detention



Duly Authorised Officers (DAO), means an official of the Contracting Government duly authorised by that Government to carry out control and compliance measures in accordance with SOLAS regulation XI-2/9.

(MSC/Circ. 1191 (30.05.2006), MSC/Circ. 1133 (14.12.2004), MSC/Circ. 1111 (07.06.2004))

Clear Grounds (ISPS B/4.33):

1. **Evidence** - ISSC or the Interim ISSC that it is not valid or it has expired (ISPS Code paragraph B/4.33.1);
2. **Evidence** or **reliable information** - serious deficiencies exist in the security equipment, documentation or arrangements (ISPS Code paragraph B/4.33.2);
3. **A report** or **complaint** which containing reliable information clearly indicating that the ship does not comply with the requirements (ISPS Code paragraph B/4.33.3);
4. **Evidence** or **observation** gained by a duly authorised officer using professional judgment that the master or ship's personnel are not familiar with essential shipboard security procedures or cannot carry out drills related to the security of the ship or that such procedures or drills have not been carried out (ISPS Code paragraph B/4.33.4);
5. **Evidence** or **observation** gained by the duly authorised officer using professional judgment that key members of the ship's personnel are not able to establish proper communication with any other key members of ship's personnel with security responsibilities on board the ship (ISPS Code paragraph B/4.33.5);

Clear Grounds (cont.):

6. **Evidence or reliable information** that the ship has embarked persons, or loaded stores or goods at a port facility or from another ship where either the port facility or the other ship is in violation of chapter XI-2 or part A of the ISPS Code, and the ship in question has not completed a Declaration of Security, nor taken appropriate, special or additional security measures or has not maintained appropriate ship security procedures (ISPS Code paragraph B/4.33.6);
7. **Evidence or reliable information** that the ship has embarked persons, or loaded stores or goods at a port facility or from another source (e.g., another ship or helicopter transfer) where either the port facility or the other source is not required to comply with chapter XI-2 or part A of the ISPS Code, and the ship has not taken appropriate, special or additional security measures or has not maintained appropriate security procedures (ISPS Code paragraph B/4.33.7); and
8. If the ship holds a **subsequent, consecutively** issued **Interim ISSC** as described in section A/19.4 of the ISPS Code (...)

[MSC/Circ.1111, 7 June 2004] GUIDANCE RELATING TO THE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

Annex 2 - RESOLUTION MSC.159(78) (adopted on 21 May 2004)



MSC/Circ.1111
ANNEX 2
Page 6

CHAPTER 2

QUALIFICATIONS AND TRAINING OF DULY AUTHORIZED OFFICERS

- 2.1 Duly authorized officers are appointed by a Contracting Government to exercise control and compliance measures under the provisions of regulation XI-2/9.
- 2.2 It is certain that the professional backgrounds of duly authorized officers will vary. However, duly authorized officers need to have appropriate knowledge of the provisions of chapter XI-2 and of the ISPS Code, of shipboard operations and need to be appropriately qualified and trained to the level required by the functions that they are authorized to carry out.
- 2.3 Duly authorized officers should also be able to communicate with the master, the ship security officer and other officers on the ship in English.
- 2.4 Duly authorized officers should receive appropriate training to ensure proficiency in safety procedures when boarding or on board a ship, particularly if at sea, including emergency evacuation procedures and procedures for entering enclosed spaces.
- 2.5 Duly authorized officers when on board a ship should comply with the security measures and procedures in place on the ship unless such measures are incompatible with the specific control measures or steps.
- 2.6 Duly authorized officers should refrain from attempting to breach the security of a ship.
- 2.7 Duly authorized officers should carry, and present when boarding a ship, a photographic identification document indicating their authorization. Procedures should be in place to allow verification of the identity of those who have been appointed as duly authorized officers.
- 2.8 Duly authorized officers should periodically undergo training in order to update their knowledge. Training seminars or courses should be held with such frequency so as to ensure the update of their knowledge with respect to legal instruments related to control and compliance measures to enhance maritime security.
- 2.9 Duly authorized officers may be assisted, when appropriate, by persons with specialized expertise appointed by the Contracting Governments. Such persons should receive appropriate training, as outlined above.

MSC/Circ.1111
ANNEX 2
Page 28

APPENDIX 2

REPORT OF THE IMPOSITION OF A CONTROL AND COMPLIANCE MEASURE IN ACCORDANCE WITH INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURES TO ENHANCE MARITIME SECURITY (Resolution MSC.159(78))

(Reporting authority)
(Address)
(Telephone & Fax)

Copy to: Master

Duly Authorized Officer administrative office
If control measures, other than lesser administrative measures are taken, additional copies of this report shall be provided to:

Administration
Recognized security organization
IMO
Port State of ship next port call
(if denied entry or expelled)

1. Name of reporting authority: _____
2. Date of inspection: _____
3. Place of inspection: _____
4. Name of ship: _____
5. Flag of ship: _____
6. Type of ship: _____
7. Call sign: _____
8. IMO Number: _____
9. Gross tonnage: _____
10. Year built: _____
11. Recognized security organization: _____
12. Registered owner (from Continuous Synopsis Record (CSR)): _____
13. Registered bareboat charterer, if applicable (from CSR): _____
14. Company (from CSR): _____
15. ISSC issuing Authority: _____
16. Dates of issue/expiry: _____
17. Ship security level: _____
18. Reason(s) for non-compliance: _____

19. Action taken by Duly Authorized Officer: _____

20. Specific control measures taken (marks as follow: "x" actions taken, "-" no actions taken)

None
Lesser administrative measures
More detailed inspection
Ship departure delayed
Restricted Ship Operation
Cargo operation modified or stopped
Ship directed to other location in port
Ship detained
Ship denied entry into port
Ship expelled from port

21. Corrective action taken by ship or Company: _____

Issuing office: _____ Duly Authorized Officer
Name: _____
Telephone/Fax: _____ Signature: _____

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Security information

SOLAS XI-2

Regulation 9, parag 2.1

Reg. 725/2004

Article 6

Ships intending to enter a port of another Contracting Government

Provision of security information prior to entry into a port of a Member State

“... a Contracting Government may require that ships intending to enter its ports provide the following information to officers duly authorized by that Government to ensure compliance with this chapter prior to entry into port with the aim of avoiding the need to impose control measures or steps.”

“...The competent authority for maritime security of that Member State shall require that information referred to in paragraph 2.1 of regulation 9 (Ships intending to enter a port of another Contracting Government) of the special measures to enhance maritime security of the SOLAS Convention be provided. The said authority shall analyse, as far as necessary, the information provided for in paragraph 2 of that SOLAS regulation”

IV. SANCTIONS



Proportionate



Effective



Dissuasive

Inspections...

Although it seems to be the same action as verification, there are significant differences...

It is an **enforcement action** carried out **exclusively by officials** of the Administration, with the purpose of control which may result to **sanctions** (Art. 14 Reg. 725/2004)

There are no sanctions before the ship is certified!



QUESTIONS?

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